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C O N F I D E N T I A L SECTION 01 OF 06 ABUJA 002736

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SUBJECT: NIGERIA: OBASANJO'S IMPEACHMENT DRAMA

REF: ABUJA 2435

CLASSIFIED BY CDA ANDREWS. REASON 1.5 (B) AND (D).

1. (C) SUMMARY: Once dismissed as another hollow threat by a feckless National Assembly, the ongoing impeachment drama is now the central political issue in Nigeria, eclipsing even voter registration. Obasanjo's removal from office remains unlikely however the odds against him are stronger than last month when the impeachment threat was first issued. With many in the once pro-Obasanjo Senate allying with the President's foes in the Lower House, the plot has developed into a serious effort to derail Obasanjo's quest for a second term. The aim of most Assembly Members is not Obasanjo's immediate removal from office but to weaken him so that he drops his reelection bid or fails at the PDP convention. At first slow to respond, Obasanjo has begun some catch-up politicking to solidify his remaining support. Still, members of his staff privately worry the threat cannot be easily extinguished because powerful anti-Obasanjo interests are behind the effort. Legislators claim good faith guides them but their critics assert they are after Obasanjo because he opposes their reelections and thus refused to fund "constituency projects" Assembly incumbents had sought to bolster their electoral prospects.

2. (C) Summary Cont: Concerned the National Assembly did not fully appreciate the effect its move would have on Nigeria's political stability, traditional rulers, state governors, and religious leaders have waded into the maelstrom, attempting to reconcile the two sides, to little avail thus far. The impeachment saga has brought the ethnic electoral battles into sharper focus. Almost all leaders from the Southwest oppose impeachment while many Northern politicians support the move, an ironic role reversal from the 1999 election in which Obasanjo's support base was the North with the Southwest voting overwhelmingly for the opposition. Clearly, the impeachment drama has increased political tensions. A quick resolution where Obasanjo acknowledges the need for a working partnership with the National Assembly and the Assembly drops the impeachment threat is in Nigeria's best interests. This will require a spirit of compromise heretofore lacking, particularly in the Assembly. If this crisis continues, it will only reinforce the zero-sum mentality that shapes too much of political conduct in Nigeria. End Summary.

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PRESIDENT VS HOUSE -- TRYING TO UNBALANCE THE OTHER  
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3. (C) The impeachment crisis primarily is the result of four factors: 1) Obasanjo's unpopularity and truncating political strength, 2) Assembly Members' own electoral uncertainties, 3) Obasanjo's unwillingness to implement politically popular deficit spending on capital projects, and 4) Three and one-half years of feuding and acrimony between the President and the National Assembly, particularly the House. There have been previous impeachment threats against the President, each easily defused through a combination of presidential cajolery, intimidation and horse-trading, with some money changing hands as well. These prior attempts were tactical designs to show displeasure with the President's cursory treatment of the National Assembly and to extract a few concessions from him.

4. (C) The current impeachment saga also revolves

around money, but the stakes are higher. The impeachment threat has graduated from an avenue to gain lucre to a zero-sum electoral survival strategy pitting the President against the National Assembly. Thus, the price for ending this challenge will be more costly and politically more labor intensive than the resolutions that came before. It all boils down to timing. With elections over the horizon, many National Assembly members are struggling for their political lives and sense President Obasanjo opposes their reelection. In some cases, he has even worked within the party to stifle their re-election bids; this is a reason that the strongest advocates of impeachment come from the President's own party.

15. (C) Viewing the President's actions through their narrow electoral optic, Assembly members did not see Obasanjo's refusal to finance budget-busting capital projects as fiscal virtue; they saw the refusal as a betrayal of the President's earlier pledge to funds such projects and as a mortal blow to their reelection strategies. Many of these Assembly Members correctly sensed that Obasanjo's image was tarnished and his armor had serious chinks: he is neither as strong nor as popular as even one year ago. The best defense against the attack of a weakened opponent is the counterattack, they figured. Members claimed concerned that Obasanjo's unpopularity would further diminish their reelection chances should they be forced to campaign with him on the party ticket. Thus, Assembly Members came to view impeachment not as a means of upholding the constitution but as a fight for their political lives. In the Members' zero sum world, Obasanjo's political survival equals their political extinction.

16. (C) Because this is an election year and the topography of the electoral playing field is at stake, many influential and would be influential actors are now interested in the National Assembly's battles with the President. They are stoking the National Assembly's ardor from behind the scenes. These players are not champions of the National Assembly and largely indifferent whether Obasanjo violated the constitution. They are students of Machiavelli whose political calculations will be maximized if Obasanjo is further weakened or knocked out of the picture. With Obasanjo sidelined, the playing field opens up. These real and ersatz king-makers could then advance a malleable presidential ticket more to their liking.

17. (C) Overestimating his own personal authority and popularity as well as being inured by the prior impeachment tempests that quickly receded, Obasanjo was slow to recognize the severity underlying the current threat. Underestimating the disruptive role an incensed, unified and somewhat desperate House could play, he waited several weeks before moving to protect his flank. Once aware of the danger, he has conferred several times with governors and other opinion leaders from various parts of the country, including key traditional rulers.

18. (C) He has also taken a carrot and stick approach to the National Assembly. Wielding the hard wood, the Presidency iterated the months-old threat of auditing the Assembly's finances. A pro-Obasanjo House Member petitioned the ICPC (anti-corruption commission) to investigate implacable Obasanjo foe, House Speaker Ghali Na'Abba. The petition against Na'Abba has some traction, with the ICPC determining that the allegations are plausible and that the Speaker must respond. He is scheduled for questioning on September 24 but has also filed a lawsuit seeking to enjoin the ICPC investigation. Further, there are credible reports that Obasanjo is also trying to dislodge Senate President Anyim from his leadership of the upper Chamber. (Comment: If rumors are true, Na'Abba may have cause to worry. He reportedly is a liberal spender who has dipped into House coffers to reward and maintain support within and beyond the House. He also has been accused of unwarranted spending in order to maintain the pomp and surroundings he feels befit his high office. End Comment.)

19. (C) Dangling the carrot, Obasanjo recently sent a supplemental budget to the House releasing funds for "constituency projects," the very type the lawmakers clamored for prior to their impeachment threat. To shore Obasanjo's image with the public, the government released civil servant back salaries for July and

August. He has also forwarded a bill to the Assembly that would resolve the highly contentious oil resource allocation dispute by eliminating the offshore/onshore dichotomy currently on the books. This would restore the revenue stream to South-South states, increasing his stock in that key area and making it difficult for the region's Assembly Members to vote against him. He also reached a widely publicized agreement with the National Labor Congress for a 12.5 percent pay raise to begin next year. Now, organized labor should want to keep him around to honor this personal pledge.

10. (C) Behind the scenes, Obasanjo spoke with potential rival and former military Head of State Ibrahim Babangida. According to a Babangida ally, Babangida was deeply annoyed that Obasanjo summoned him from Minna to Abuja only to accuse him of funding the impeachment threat. Babangida's annoyance grew when Obasanjo switched from tendering accusations to entreating him to talk to rebellious House members. Babangida reportedly told Obasanjo that it was the President's responsibility to visit the House and break bread with its leadership; he should not deploy emissaries to conduct his bidding. Since this August encounter, Babangida has made a few characteristically nebulous public comments, the latest being that this Executive-Legislative standoff was a healthy sign for Nigeria's young democracy. (Comment: Both the French Ambassador and British Deputy High Commissioner have told Ambassador Jeter that the President's political advisors continue to lament that Babangida is directing the impeachment drive and that they are at a loss as to stopping him. End Comment)

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TRADITIONAL LEADERS AND THE PDP -- CAN THEY FIX IT?  
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11. (C) Obasanjo's appeal for support apparently fared better with the traditional rulers than with the former military Head of State. The Emir of Kano, one of the North's two most influential rulers, made statements opposing the impeachment. Recently, a group of Nigeria's most respected traditional rulers gathered in Abuja. Emerging from three days of marathon sessions, the Ooni of Ife told Ambassador Jeter that the rulers have reconciled the sides and that the impeachment threat soon would fizzle. (Comment: The preeminent Yoruba traditional leader, the Ooni did not give the Ambassador details of the alleged workout. The Ooni is a savvy veteran of the Nigerian political trenches whose insider information cannot be discounted; however, but he could be looking at this through a decidedly pro-Obasanjo, Yoruba prism. In any event, he told the Ambassador that the ongoing move against Obasanjo was "all about money and graft." Traditional rulers, he said, would not let that happen. End Comment.)

12. (C) Given that the impetus for the impeachment comes from PDP Assembly Members, the party's national leadership has also tried to reconcile what have become the Presidential and Legislative factions of the party. Thus far, these efforts have not borne visible fruit. Most Governors have also sided with Obasanjo on this issue, some fearing the unwanted cue their State Assemblies could take from this federal episode; but the Governors can little influence the Assembly. Assembly Members, particularly, Senators, warily view their State's Executives, believing (often accurately) the President and Governors are conspiring to keep them from being reelected.

13. (C) Meanwhile, many groups and organizations have added their respective wisdom or lack thereof to the debate. How Nigerians view impeachment has largely been a measure of whether or not they support Obasanjo. Thus, with the exception of human rights lawyer Gani Fawahenmi who offered pro bono legal services to help the House against Obasanjo, the strongest criticism of the impeachment has arisen from the Yoruba Southwest, Obasanjo's ethnic home. Much of the North and particularly members of the influential Arewa Consultative Forum, whose opposition to Obasanjo needs little introduction, have praised the House for obeying its duty of protecting the country and the constitution from Presidential arrogance.

14. (C) No one has been able to bridge the differences between the President and National Assembly

leadership, particularly Speaker Na'Abba and more recently Senate President Anyim. One of the problems has been the propensity of both sides to talk moderately in private but let rhetorical excess get the better of their public statements. A few days after a conciliatory private session with House Members, Obasanjo publicly lambasted the effort against him as a joke run amok and belittled the Members as "jokers."

15. (C) Many House members were not in a joking mood after Obasanjo's remarks. For them, Obasanjo's stinging remarks came as a surprise after their private session, obliterating any goodwill he wanted to build. For a growing number, both Obasanjo's biting comments and his conciliatory overtures were immaterial. For this expanding circle of PDP hard-liners, the Rubicon was passed the day they published the seventeen charges against Obasanjo. Members of the opposition ANPP support the impeachment efforts because fits their party's interests and because there is so no downside for them individually. Many members of the Southwest-dominated AD oppose the impeachment.

16. (U) House Spokesman, Rep. Farouk Lawan, announced last week that 200 members had signed the 17-point list of accusations against the President, with a goal of 300 signatures. Lawan said that the House would be prepared to pass the list of charges to the Senate by September 20. (NOTE: 157 signatures are required to initiate the procedure. End Note.)

17. (C) While formal transmission of the House charges to the Senate is still pending, the Senate is already is on stage and involved in the drama. Most likely the House would not have embarked on this collision course with the President unless assured of support by Senate President Anyim, once a close presidential ally. A few months ago, Obasanjo jeopardized his "governance strategy" of maintaining a divided National Assembly to advance an "electoral strategy" of allegiance with State governors. Anyim and the Ebonyi State Governor Sam Egwu were battling for control of the State PDP apparatus. Obasanjo characteristically sided with the Governor, and Anyim fell out with Obasanjo. Since then, the Senate President has moved progressively closer to Obasanjo nemesis, House Speaker Na'Abba.

18. (C) Anyim's feud with Egwu reflects the adversarial relationship between many Senators and their State Governors. In many States, Senators and Governors have locked horns over control of the State party machinery or who will be the next Governor. Thus, an electoral strategy that aligns him with the Governors has put Obasanjo in ill humor with the Senators. Furthering the acrimony between the President and Senate, allies of President have been accused of bribing Senators to oppose impeachment. There have been media reports of Senators returning the alleged bribes after being pressured by anti-Obasanjo colleagues to come clean. A veteran journalist recounted being told by Senator Jonathan Zwingina that numerous Senators admitted to taking the one million Naira payoffs. Nevertheless, Zwingina claimed that most of those who accepted the bribes would eventually vote against Obasanjo when the time was ripe. Some claim that over 80 of the 109 Senators now oppose Obasanjo. The Presidency has denied the bribery charge. The Senate has established an ad hoc committee to investigate the allegations.

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OBASANJO RISES TO HIS OWN DEFENSE  
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19. (U) On September 11, explicitly recognizing that the impeachment drive had gathered unexpected momentum, President Obasanjo issued a detailed defense against the 17 charges brought against him. Obasanjo explained he never deliberately violated the constitution or used his office to enrich himself. Obasanjo presented his response to a committee of PDP members established to resolve this rift threatening the basic unity of the party. Members of the PDP committee indicated to us that they were unsatisfied with his response. He refused to meet us for two weeks, one member complained. His change of heart, according to another, came only with the indication that the House was moving ahead with the process.

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MOMENTUM FOR IMPEACHMENT GROWING  
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120. (C) A presidential advisor recently told Ambassador Jeter the situation was increasingly disturbing. While discounting a genuine legal basis for impeachment, the advisor noted the President was enmeshed in a political struggle, not a legal affair. It boiled down to a matter of numbers, not constitutionality or legality. Although he felt Obasanjo would survive, the advisor predicted the impeachment drive would not end soon. He saw influential powerbrokers at the controls of this attack. Moreover, he claimed clear evidence of vast sums of money changing hands to finance the impeachment move.

121. (C) In short, the advisor maintained impeachment was all about money and reelection not breaches of the constitution. By not playing pork-barrel politics, i.e. earmarking funds for "constituency projects" the Representatives could point to garner votes in the upcoming elections, Obasanjo was harpooning their reelection bids. Other Representatives knew they would not win the party nomination again; they not only wanted money but to extort Obasanjo into supporting their re-nomination. Being sure losers otherwise, they had nothing to lose by threatening Obasanjo, There was little downside to this vindictive misadventure, the advisor concluded.

122. (C) During an extended discussion at the Ambassador's residence, British Deputy High Commissioner Charles Bird stated that venality and personal electoral considerations of House members, not conscience, were the authors of the move to oust Obasanjo. Like us, Bird felt the impeachment initially was intended to weaken Obasanjo politically and perhaps dissuade him from seeking the PDP re-nomination. However, he claimed, the longer the threat hovered, the more it assumed a life of its own. Now, it has an independent momentum. Many members of the House were now seized by the prospect of toppling Obasanjo, rendering this the most serious of the several impeachment threats Obasanjo has faced and the most serious legislative challenge to the primacy of the Executive since the 1999 return of civilian rule. After the dust has settled, there would likely be a tectonic shift in the power relationship between the Executive and the Legislature, Bird thought. Either a strengthened Legislature would achieve par with a weakened Presidency or the current situation of a powerful Presidency and a laconic Assembly would be reinforced, he contended.

123. (C) What Bird did not say was that if Obasanjo should ultimately surrendered to the demands of a rent-seeking legislature, corruption and graft will have carried the day. However, if Obasanjo prevails, his antagonists in both Chambers will quickly become political relics in 2003.

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VICE PRESIDENT ATIKU -- THE PASSIVE BENEFICIARY  
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124. (C) VP Atiku is the primary beneficiary of the impeachment drama. Initially, Atiku was being fingered as the hand behind the scenes; that charge has not stuck, with Obasanjo's people increasingly seeing Babangida as the culprit. Nursing strong presidential ambitions of his own, Atiku can watch passively from the sidelines as the Assembly seeks to destroy Obasanjo. Because their relationship has cooled, Atiku longer feels impelled to energetically support Obasanjo. Given Atiku's power within the party and his popularity within the National Assembly, his active support might have helped defuse the standoff. However, Atiku knows he is next in line should Obasanjo fall. Even if he survives, Obasanjo would be too weak to fire Atiku as his running mate. Moreover, Obasanjo might be injured to the extent that Atiku could risk challenging him for the PDP nomination. Thus, Atiku seems content to let others do the fighting while he positions himself to take advantage of whatever unfolds.

125. (C) Like most political phenomena, impeachment is subjective; its propriety lies in the eye of the beholder. Those who support Obasanjo, decry the impeachment; those who decry Obasanjo, generally support the impeachment. Despite their protestations to the contrary, the legislators' motives are suspect. What started the process was Obasanjo's reluctance to open the government coffers so House members could spread largesse come election time. Objectively, perhaps the most serious allegation against the President is his role in doctoring the 2001 electoral law. This indiscretion is included in the bill of particulars against the President but the House has not focussed much attention on this charge. The inattention is partially because some Senate and House leaders were accomplices in this misdeed.

126. (C) House leaders claim over 200 Members have signed the petition; only 157 signatures are needed to initiate formal impeachment process. Two weeks after the process is initiated, the constitution requires a two-thirds vote of both Houses to advance the process to a three-month investigation followed by another two-thirds vote in both chambers if the investigation supports the charges. It is still unlikely the pro-impeachment forces can must two separate super-majorities in both Houses. If they start the process but do not garner enough votes, their threat vanishes completely in two weeks. Obasanjo, while crippled, would have his pyrrhic victory and could begin to lick his wounds. By temporizing, they can keep the shadow of uncertainty over Obasanjo until the PDP convention.

127. (C) By sustaining this threat over Obasanjo, however, the House is steering Nigeria into a period of deepening political instability at a time when "normal electoral preparations" provide more than enough anxiety. Nigeria would be best served by a quick resolution where the President acknowledges his "mistakes" and recognizes the need to have a strong partnership with the legislature, thereby bolstering the role of the Assembly and the principle of checks and balances. In exchange, the legislators would agree to bury the impeachment hatchet and let Obasanjo's fate be decided at the party convention or by the electorate. If so, the politicians would have succeeded in snatching an important victory from the jaws of this crisis. Since Obasanjo's opponents would feel no compunction about rigging an election, they also believe that he is unhindered by any moral restraint about cheating (for himself or against them). Because both sides mistrust each other, conditions do not favor a statesmanlike compromise, unfortunately.

128. (C) Since 1999, Nigeria has experienced too many impeachment threats against the President and too much presidential interference with the inner workings of the National Assembly. These confrontations are indicative of the inexperience and fragility of Nigeria's democratic process, with one branch of government jockeying to dominate the other. Thus, should this crisis linger and deteriorate, it would reinforce the belief that political differences are not to be resolved by compromise but by marginalizing and even removing opponents from office. The harmful, zero-sum nature of Nigerian politics would persist, further impeding the country's democratic development.

ANDREWS